

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

HENRY VALDEZ,

Petitioner,

vs.

JASON BUNTING,

Respondent.

CASE NO. 1:16-CV-02074

OPINION & ORDER
[Resolving Doc. No. 6]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Petitioner Henry Valdez moves for relief from judgment pursuant to Federal Civil Procedure Rule 60(b)(5). He claims that an order issued on January 5, 2017, which he cites as Doc. No. 7, and an order issued on January 13, 2016, which he cites as Doc. No. 3 were filed under case No. 1:15 CV 2702 instead of this case number. He contends this entitles him to relief from judgment. His assertions, however, do not reflect what is shown on the Court's docket.

The Court did not issue an order in this case on January 13, 2016 because this case was not filed until August 18, 2016. Similarly, the Court did not issue an order on January 5, 2017 because this case was closed on September 27, 2016 and there was no activity in this case until January 30, 2017 when Petitioner filed the within Motion. Petitioner is obviously confusing this case with another action he filed.

Accordingly, Petitioner's Motion for Relief from Judgment pursuant to Federal Civil Procedure Rule 60(b)(5) (Doc. No. 6) is denied. The Court certifies pursuant to 28 U.S.C.

§1915(a)(3) that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed.R.App.P. 22(b).

IT IS SO ORDERED.

Dated: March 20, 2017

s/ *James S. Gwin*

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE